

Order below Exh.97 in RCS No.122/2017

By this application plaintiffs have requested to set aside No cross order passed against them at **Exh.91**, on the grounds stated in the application. Defendants have filed their say and raised objections. Perused application and say. Heard both the sides. Record shows that defendants have examined defendant No.2 at Exh.91 on 16/02/2024. Thereafter, several adjournments were granted to plaintiffs and their application at **Exh.95** dated 18/04/2024 was allowed as last chance. Despite this, on 18/06/2024 plaintiffs again moved an application at **Exh.96** seeking adjournment which came to be rejected and the impugned order came to be passed at Exh.91. This application came to be filed by plaintiffs on 05/07/2024 i.e. there is a delay of approximately more than one month in moving present application. This delay can be condoned by imposing heavy cost upon plaintiffs. Considering the nature of suit, reliefs claimed and to grant an opportunity of fair trial, in my opinion, permission to conduct cross examination at Exh.91 needs to be granted with some condition. Hence, I pass following order:-

ORDER

No cross order dated 18/06/2024 passed against plaintiffs at **Exh.91** is set aside subject to cost of Rs.1000/- to be payable by plaintiffs to defendants today itself and on condition that they shall conduct the cross examination of defendant No.2 on next date without fail.

Date : 30/08/2024

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.